

JAN 28 2008

CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JEFFREY GORDON SPEELMAN,

Defendant - Appellant.

No. 06-30136

D.C. No. CR-02-00130-RFC

MEMORANDUM\*

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JEFFREY GORDON SPEELMAN,

Defendant - Appellant.

No. 06-30137

D.C. No. CR-02-00142-RFC

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JEFFREY GORDON SPEELMAN,

Defendant - Appellant.

No. 06-30138

D.C. No. CR-03-00068-RFC

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\* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

Appeal from the United States District Court  
for the District of Montana  
Richard F. Cebull, District Judge, Presiding

Submitted January 14, 2008\*\*

Before: HALL, O'SCANNLAIN, and PAEZ, Circuit Judges.

Jeffrey Gordon Speelman appeals from the district court's order upon limited remand pursuant to *United States v. Ameline*, 409 F.3d 1073 (9th Cir. 2005) (en banc), concluding that it would not have imposed a materially different sentence had it known that the United States Sentencing Guidelines were advisory. We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

Speelman's contention that the district court's failure to hold a resentencing hearing to allow him to present additional evidence violated his due process rights is foreclosed. *See United States v. Silva*, 472 F.3d 683, 687-88 (9th Cir. 2007) (recognizing that, in the context of an *Ameline* remand, due process does not require that a defendant be given the opportunity to present new evidence unless a new sentence is to be imposed).

**AFFIRMED.**

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\*\* The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).